

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>PAUL D. LOWE,</b>	)	<b>CASE NO. 5:08 CV 686</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE DONALD C. NUGENT</b>
	)	
	)	<b>Magistrate Judge James S. Gallas</b>
	)	
<b>STARK COUNTY SHERIFF</b>	)	<b>JUDGMENT</b>
<b>TIMOTHY A. SWANSON,</b>	)	
	)	
<b>Respondent.</b>	)	

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, the Court hereby ADOPTS the Report and Recommendation issued by Magistrate Judge Gallas. (Docket #16.) The Petition for Writ Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by Paul D. Lowe, is hereby DENIED; Petitioner's Motion for Summary Judgment (Docket #15) is hereby DENIED. The Petition is hereby DISMISSED in its entirety.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED

s/Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: July 7, 2009